

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE**  
**REQUEST FOR FILING**  
**(RULE 53(b)(1))**

031088 U.S.PTO  
10/696983  
  
10/3003

For Design or Utility Applications

(DO NOT USE FOR CIPs)

**Rule 53(b)(1) PATENT APPLICATION:**

Continuation ) application under 37 CFR 1.53(b)(1)  
 Divisional ) application under 37 CFR 1.53(b)(1)  
of pending prior application of

Group Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

Inventor(s): John R. Woods  
Parent Appln. No.: 09

746,447

Atty. Dkt. 81168-  
306630

Series Code ↑

Serial No. ↑

New C-M

Client Ref

Parent Filed: December 6, 2000

This Appln. Filed: October 30, 2003

Title: MORE CONTROLLABLE ACOUSTIC SPRAY PATCH COMPOSITION

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: October 30, 2003  
(Parent Matter No. 250359 )

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

Abstract  
 Specification and claims (27 pages) (**must be attached**)  
 Drawings (**must be attached if originally filed**): 1 sheet(s)/set:  1 set informal;  Formal of size  A4  11"

1A. Always X one box, only:

(1)  Copy of Signed declaration or oath as originally filed in prior application attached  
(2)  NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.  This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S):)

1. \_\_\_\_\_  
3. \_\_\_\_\_  
5. \_\_\_\_\_  
7. \_\_\_\_\_

2. \_\_\_\_\_  
4. \_\_\_\_\_  
6. \_\_\_\_\_  
8. \_\_\_\_\_

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. John R. Woods  
3. \_\_\_\_\_  
5. \_\_\_\_\_  
7. \_\_\_\_\_

2. \_\_\_\_\_  
4. \_\_\_\_\_  
6. \_\_\_\_\_  
8. \_\_\_\_\_

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying

application and is hereby incorporated therein by reference thereto.

4.  Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ of \_\_\_\_\_ (country)

Application No.	Filing Date	Application No.	Filing Date
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a.  \_\_\_\_\_ (No.) Certified copy/copies attached.  
 b.  Certified copy/copies previously filed on \_\_\_\_\_ in  
     U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_  
     series code ↑     ↑ serial no.  
 c.  Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_.

4. (a)  Domestic priority is claimed from PCT/ \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_.  
 (b)  Benefit is claimed of Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_.  
 5.  Prior application is assigned to Spraytex, Inc.  
     by assignment recorded \_\_\_\_\_ Reel \_\_\_\_\_ Frame \_\_\_\_\_  
     (Date)  
 6.  Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)  
     (Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)  
 Please return the recorded Assignment to the undersigned.  
 7.  The power of attorney in the prior application is to Richard H. Zaitlen, Reg. No.: 27,248, Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017  
     (Name and Reg. No.)  
     whose current address is as in item 8 below.  
 a.  Recognize as associate attorney Nicole S. Bradley, Reg. No.: 48,718, Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017  
     (Name, Reg. No. and Address)  
 8. **Address all future communications to Intellectual Property Group  
     f Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017**  
 9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:  
     No. 09/ 746,447 filed 12/6/00  
     No. 09/ 375,840 filed 8/16/99  
     No. / filed \_\_\_\_\_  
     No. PCT/ / filed \_\_\_\_\_, which  
 designated the U.S. and that International Application  was  was not published under PCT Article 21(2) in English  
 9(a).  See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)  
 10. **Small Entity Status**  is Not claimed  is claimed (pre-filing confirmation required)  
     (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:  
      filed in above prior application  
      attached.  
 11. Petition to extend the life of the above prior application to at least the date hereof  
 (one box)  is being concurrently filed in that prior application (Use Form PAT-111).  
 (must be)  was previously filed in that prior application (Check length of prior extension).  
 (X'd)  is not necessary for copendency (Double check before X'ing this box).

12.  **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13.  Attached is a Rule 103(a) Petition to Suspend Action.

14.  **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

**FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<

**NOTE:** If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

**PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.**

			Large/Small Entity		Fee Code
15. Basic Filing Fee .....	Design Application	\$340/\$170			1002/2002
16. Basic Filing Fee .....	Utility Application	\$770/\$385	+385		1001/2001
17. Total Effective Claims	11	minus 20 =	0	x \$18/\$9	+0
18. Independent Claims	3	minus 3 =	0	x \$86/\$43	+0
19. If any proper multiple dependent claim (ignore improper) is present,			\$290/\$145	+0	1203/2203
20.			<b>Subtotal =</b>	<b>\$385</b>	
21. If "petition" box 13 above is X'd, add petition fee.	\$130			+0	1808
21A. If box 6 above is X'd, add Assignment recording fee	\$ 40			+40	8021
22.			<b>TOTAL FILING FEE =</b>	<b>\$425</b>	
			(carry forward to Item 31)		

23.  ATTACHED:

24.  Preliminary Amendment attached (to be entered after assigning Appln. No.)

25.  See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	<b>Claims remaining after amendment</b>	<b>Highest number previously paid for</b>	<b>Pres nt Extra</b>	<b>Additi nal Fee</b>		
				<u>Large/Small Entity</u>	<u>File Code</u>	
27.	Total Effective Claims <u>*11</u>	minus ** <u>24</u>	= <u>0</u>	x    \$18/\$9	= <u>\$ 0</u> (1202/2202)	
28.	Independent Claims <u>*3</u>	minus *** <u>3</u>	= <u>1</u>	x    \$86/\$43	=    + <u>0</u> (1201/2201)	
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application) . . . . .			\$290/\$145	+ <u>0</u> (1203/2203)	
30.				ADDITIONAL FEE	<u>\$ 0</u>	
31.				plus FEE from item 22 on page 3	+ <u>425</u>	
32.				<b>TOTAL FEE</b>	<b><u>\$ 425</u></b>	
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"					
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space					PLEASE CHARGE OUR DEP. ACCT.
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space					

**Our Deposit Account No. 03-3975**

Our Order No.	<u>81168</u>	<u>0306630</u>
C#		M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

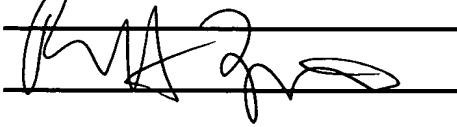
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

725 South Figueroa Street, Suite  
2800  
Los Angeles, CA 90017-5406  
Tel: (213) 488-7100

By Atty: Richard H. Zaitlen

Reg. No. 28,248

Sig: 

Fax: (213) 629-1033  
Tel: (213) 488-7543

RHZ/LAR  
Atty./Sec.

**NOTE No. 1:** File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments  
**NOTE No. 2:** Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.  
 If yes, printout Pat-111 and head it in parent.

PATENT  
81168-306630

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re divisional application of: John R. Woods	Group No.: unknown
Parent Serial No.: 09/746,447 Parent Filed: December 6, 2000	Examiner: unknown
For: MORE CONTROLLABLE ACOUSTIC PATCH SPRAY COMPOSITION	

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EV 235024294 US

Date of Deposit: October 30, 2003

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- Letter of transmittal
- Check in the amount of \$385 as filing fee.
- Copy of parent Patent application (27 pages of specification; 54 claims; 1 page of abstract)
- 1 sheet(s) of informal drawings
- Preliminary Amendment
- Copy of Declaration from parent application
- Copy of Assignment from parent application with new recordation cover sheet and check for \$40.00 for recordation fee.
- Form 1449 – Information Disclosure Statement with 8 References
- Return postcard

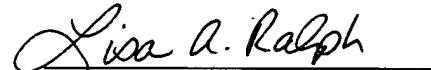
are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

October 30, 2003

Date of Deposit

Lisa A. Ralph  
Name of person mailing papers

  
Signature